

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
March 17, 2015**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, March 17, 2015 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:17 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (via teleconference); Commissioner Jacob Shisha (present); Commissioner Charles E. Stapleton (present); Commissioner Charles Wowkanech (absent).

Approval of the February 17, 2015 Meeting Minutes

Commissioner Stapleton commended Ms. Stuckey for changing her ED Report to an outline format and asked that the meeting minutes follow the same format.

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the minutes of the February 17, 2015 meeting minutes with the following amendment: page 5 under Public Comments, the fifth line in paragraph two should read. .
. "the channel will be changed to 50ft". All voted in favor.

Resolution #15-09 to approve the March 2015 Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #15-09 to approve the March 2015 Treasurers Report. All voted in favor.

Resolution #15-12 to approve the Intra-harbor Intermediate Rates

Resolution #15-12 was tabled until next month.

Executive Director Report

- A. Update on Meeting with New Jersey Transit: Per the Commissioner's directions, Ms. Stuckey met with NJ Transit regarding the lack of parking. They advised that 5 spaces will be reserved for the Commissioner's Board Meeting. In addition, they indicated that they are willing to reserve space on non-meeting dates when possible. The Commissioners informed Ms. Stuckey that there were no reserved spaces for today's meeting. She thanked them for their feedback and will advise the head of Security of the oversight.

Ms. Stuckey also mentioned that there was an alleged incident before the Commission's last meeting. The reporter, Chris Maag, from the Bergen Record, was accused of roaming the building unescorted and interviewing NJ Transit staff members. Ms. Stuckey advised the Commission that Mr. Maag arrived at 9:45 AM not knowing that the meeting was delayed until 11:00AM. Ms. Montilus escorted him to the cafeteria so he could sit and wait. To avoid any potential incidents, a security officer will man the elevators to escort all members of the public to the lobby after the Commission's meetings.

- B. Update on Relationship with Coast Guard: On January 6, 2015, Ms. Stuckey met with the Coast Guard's Investigative team, Lt. Commander Bill Grossman and Lt. Commander Donna Leoce. Commanders Grossman and Leoce switched positions and she will be the new head of Marine Investigations. During the meeting, Commander Leoce assured Ms. Stuckey that the current information sharing relationship would continue. Ms. Stuckey made a request for a class report and Commander Leoce informed her that the request would have to go through the legal department and be treated as a FOIA request. Ms. Stuckey was able to get the information through another source. Frank Keane from the New York Commission has also experienced the same issues with Commander Leoce. Ms. Stuckey and Mr. Keane will meet with Commander Leoce to talk about the importance of their current information sharing relationship. If this does not work, Ms. Stuckey will go to the new Captain of the Port when he arrives this summer.
- C. Auto Pilot Advisory: The advisory went out to all licensed pilots and registered apprentices via burst email on February 18, 2015. It was also sent to the Coast Guard, the New York Commission, Moran, McAllister, and the Maritime

Association. Outside of a few questions, it was well received.

D. Staff Meeting with Investigators - Ms. Stuckey thanked Commissioners McEwing and Shisha for their participation in the meeting. She provided the Commissioners with a copy of the agenda. Ms. Stuckey highlighted the following items:

1. The Commission adopted the format used by Investigator Clark on the Rania report. Commissioners McEwing & Shisha made suggestions on additional information that they would like to see on the report i.e. weather, work/rest periods, citing violated Commission or Coast Guard rules and regulations, ensuring the conclusion primarily states facts first followed by a summary, and a list of all documents reviewed and all people interviewed. Ms. Stuckey will update the report form to include a section for the pilot to input their work/rest period and circulate it to the Commissioners for their comments.
2. Ms. Stuckey assigned Investigator Clark as the team leader. He will be responsible for keeping her informed of everyone's schedules and also circulate information to the team.
3. The investigators were advised that all pilot interviews that require counsel are to be conducted at the Commission's office.
4. Each investigator gave an update of the cases they were assigned. Ms. Stuckey pointed out that moving forward each case assigned should be treated as priority. If someone is not able to devote the time needed they were instructed to let Ms. Stuckey know and she would forward the occurrence to the next person in line. Ms. Stuckey was happy to report that since the meeting she received two additional reports that will be reviewed and included on next month's agenda.
5. Ms. Stuckey will have quarterly staff meetings with the investigators.

E. Hudson River Update: Because of the amount of ice, the transfer stations have been closed so each transit has been requiring two pilots. Since our last meeting, Captain Len

Evans has been assigned two transport jobs and Captain Nils Tribus has not reported any. Hopefully the ice has thawed and there will be no more issues this season.

- F. DOT Budget Book/Audit: Ms. Stuckey provided the Commission with a copy of the updated page to be included in the Governor's budget book for FY14. While completing the page, she noticed the auditor made an error when reporting the Commission's expenses. She has been in contact with him and he will prepare an amended report for the Commission's review.

Commissioner Stapleton requested that moving forward an additional line be added to the page. The line should explain that, all Commission expenses including salaries are funded by the pilotages fees it collects and no tax payer dollars are used.

- G. Docking Pilot ECDIC Training: On February 27th, 2015, Ms. Stuckey traveled to Manhattan to observe the joint ECDIS training for Metro and Harbor pilots. About ten pilots attended the training. By the year 2018, all vessels will be required to have this GPS software. In watching the training, Ms. Stuckey noticed that it could be time consuming for a pilot to navigate the screens to pull up the necessary information which could lead to a distraction from piloting. When she inquired about this she was told that the vessels crew would be trained on the system and the pilot would be able to request the information he would like to view.

There are currently 29 different versions of this program. Ms. Stuckey's concerns are, who makes sure each vessel has an approved version of the program, and who ensures that the crews are properly trained to use the system. Ms. Stuckey will continue to research this issue and report back to the Commission.

Captain Flannery feels that ECDIS should make things better, and pointed out that it is similar to what Sandy Hook has on their laptops.

Ms. Stuckey had the opportunity to tour the Staten Island Ferry Terminal and to work on the simulators. She recommended that the Commission hold a monthly meeting at the terminal. It would give the Commissioners the

opportunity to view the terminal and to work on the simulators.

The Commissioners agreed and advised Ms. Stuckey to proceed.

- H. Meeting with Docking Pilots: After the ECDIS training, Ms. Stuckey was able to sit down with the docking pilots. For the most part, they are happy with being under the jurisdiction of the Commission and the contracting of the new investigators. They also support the proposal of a new test that would include chart work. They shared some photos of problematic terminals. Ms. Stuckey and Captain Flannery gave a PowerPoint presentation of problematic terminals.

Captain Flannery described the many issues that pilots are facing while navigating the waters. He believes a solution that may help would be if schedules were shared to help pilots know when there will be adequate space to navigate through a certain area.

Commissioner Stapleton told Captain Flannery to let the Commission know when to intervene on behalf of the pilots.

- I. Sandy Hook Apprentice Training Report - The Commissioners were given a copy of the Sandy Hook Apprentice Training report. Apprentice Graham Mergenthaler is scheduled to take his state licensing exam in May, and will join the Sandy Hook rotation in July 2015.
- J. NJDOT Focus Group: Last week, Ms. Stuckey participated in a focus group at DOT. Although the topics discussed are to be kept confidential, Ms. Stuckey thanked the Commissioners for providing herself and staff with a healthy work environment.
- K. Future dates of interest - On March 18th, the Harbor Ops Meeting will be held. The Commissioners were given a copy of the agenda. On April 13, 2015, the Marine Society is hosting their annual dinner. On May 13, 2015 the International Maritime Hall of Fame Dinner will be held. And on July 17, 2015 the Captain of the Port Change of Command ceremony will take place. Ms. Stuckey will attend all the events.

Honoring of Retired Pilot

Captain John Monaghan was honored by the Commission for his 38 years of service as a Maritime Pilot. He was presented with a plaque by Commissioner Stapleton.

Captain Monaghan thanked the Commission.

Presentation of Certificate of Appointment to Maritime Pilot
Apprentice Robert Flannery, III

At its February 17, 2015 meeting, the Commission passed Resolution #15-08 to approve the appointment of Robert Flannery, III into the Sandy Hook Apprentice Training program.

Ms. Stuckey pointed out that Robert Flannery interviewed very well and how pleased she was to present him for appointment.

Apprentice Flannery was presented with a certificate of appointment by Commissioner Stapleton.

He thanked the Commission and gave a brief summary of his background.

Public Comment(s)

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Richard Schoenlank congratulated Captain Monaghan and welcomed Apprentice Flannery.

Captain Schoenlank attended an American Pilot Association meeting and pointed out that the topic of large vessels coming into ports was discussed. Because of these larger vessels, new issues continue to arise.

The pilots will meet this Thursday with the NY Shipping Association to discuss safety recommendations to deal with the larger vessels.

Commissioner Stapleton asked Ms. Stuckey to begin to research other ports to see how they are dealing with this issue. He is concerned that larger vessels may go to other ports if New Jersey is not ready for them.

Captain Schoenlank explained that the port has invested millions of dollars to prepare for these larger vessels and they are still working on it.

Commissioner Stapleton stated the Commission's concern about the prosperity of the harbor. He would like the Commission to prepare a report to present to the Governor in July regarding the preparedness of the harbor and the concerns for business.

Captain Flannery mentioned that he spoke to a few companies and they believe that the investments will actually bring more business to the harbor.

Sandy Hook suffered damage due to severe ice conditions. They used stations boats to get through the drifting ice. Several buoys were moved off station. Fortunately pilots have been maneuvering successfully. The US Coast Guard has also responded quickly and put many of the buoys back into place. Captain Schoenlank thanked the US Coast Guard.

Committee Report

A. Investigation Committee:

- I. **Wanderer** - March 18, 2014. This incident is still under investigation.
- II. **CSAV Loconillia** - May 16, 2014. This incident is still under investigation.
- III. **Port Richmond** - May 29, 2014. Investigator Mark Clark provided the commission with a summary of the incident and his report. He recommended that the Commission find no fault on the part of Captain Walsh and the incident closed. A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- IV. **STI Beryl** - June 14, 2014. This incident is still under investigation.
- V. **Puccini** - August 18, 2014. Ms. Stuckey gave the Commission a summary of the incident. Based on her investigation, Ms. Stuckey recommended that the Commission find no fault on the part of Captain Gadow and the incident marked as closed. A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- VI. **Bremen Express** - October 3, 2014. Ms. Stuckey gave the Commission a summary of the incident. Based on her investigation, Ms. Stuckey recommended that the Commission consider the repairs to be complete and find no fault on the part of Captain Mercereau. A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- VII. **Hangin Newport** - October 4, 2014. This incident is still under investigation.

- VIII. **Maersk Chicago** - October 21, 2014. This incident is still under investigation.
- IX. **Hanjin Rio DeJanerio** - November 1, 2014. This incident is still under investigation.
- X. **MSC Martina** - November 3, 2014. Ms. Stuckey gave the Commission a summary of the incident. Based on her investigation, Ms. Stuckey recommended that the Commission find no fault on the part of Captain Gadow and the incident closed. A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- XI. **Rainbow Quest** - November 7, 2014. This incident is still under investigation.
- XII. **Stolt Sapphire** - November 18, 2014. Ms. Stuckey gave the Commission a summary of the incident. Based on her investigation, Ms. Stuckey recommended that the Commission consider the repairs to be complete and find no fault on the part of Captain Quinn. A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- XIII. **Hyundai Glory** - December 5, 2014. This incident is still under investigation.
- XIV. **BBC Balboa** - January 19, 2015 - Ms. Stuckey gave the Commission a summary of the incident. Based on her investigation, Ms. Stuckey recommended that the Commission consider the repairs to be complete and find no fault on the part of Captain Rooss. A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.

Commissioner Stapleton asked if the investigators will be present at future meetings. Ms. Stuckey will try to have them report in person, if that is not possible they will report via teleconference.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the

substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey that the Commission goes into Executive Session.

All voted in favor.

The commission went into Executive Session at 11:20 AM.

Return to Public Session

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:22 PM.

Resolution #15-10 to Approve the Request to Upgrade Maritime Pilot - Captain Michael C. Chambers

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the Resolution #15-10 to upgrade Captain Michael C. Chambers.

All voted in favor.

Resolution #15-11 to Approve the Request to Upgrade Maritime Pilot - Captain Douglas P. Einhorn, Jr.

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the resolution #15-11 to upgrade Captain Douglas P. Einhorn, Jr.

All voted in favor.

Adjournment

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:25 PM.